IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	Art Unit: 1644
	)	
DJURUP, et al.	)	Examiner: WEN, S.
	)	
Serial No.: 10/572,603	)	Washington, D.C.
	)	
Filed: March 8, 2007	)	September 15, 2008
	)	
For: PRO-INFLAMMATORY AND ANTI-INFLAMMATORY ANTIBODIES AGAINST...	)	Docket No.: DJURUP=2
	)	Confirmation No.: 2533

ELECTION WITH TRAVERSE

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S i r :

In response to the restriction requirement mailed May 14, 2008, please enter the following response.

1. In response to the group level restriction (OA §2), Applicants elect group I with traverse.

The Examiner holds that there is an a posteriori lack of unity because Flodgaard teaches an antibody against hHBP.

At the cited page 10, Flodgaard asserts that "the HBPs used in the methods of the present invention bind to HBP antagonists such as aprotonin and/or a monoclonal antibody generated against nature human HBP". A procedure for obtaining such a monoclonal antibody is set forth on pp. 16-18, and a procedure for obtaining a polyclonal antibody at page 16. There is additional disclosure at, e.g., pp. 21, 32-33.

All of the discussion of anti-HBP antibodies is in present tense, and hence it is assumed that no such antibodies had in fact been prepared.

Hence, we believe that a holding of a posteriori lack of unity is premature.

Flodgaard is further distinguished by claim 3, which requires that the antibody bind the elected 20-44 epitope (see section 2 below). Hence, we have claimed subject matter as to which the holding of a posteriori lack of unity does not apply, and if the main claim is amended to limit it to that epitope, or

group II and III claims made dependent on claim 3, that would appear to warrant rejoinder of the group II and III claims which are dependent thereon.

We realize that the group II and III claims cannot be rejoined on that basis unless and until claim 1 is amended, or those claims are made dependent on claim 3, but we would like the next action to acknowledge that such rejoinder will then be proper.

2. In response to OA §5, applicants elect with traverse epitope B, i.e., residues 20-44 of SEQ ID NO:1. Applicants also correspondingly elect antibody F19A5B4, which inhibits the inflammatory response associated with hHBP.

3. While group III was not elected, should III be rejoined, applicants elect with traverse inhibiting.

4. The species restrictions are traversed on the ground that generic claims are allowable, see argument in section 1.

In addition, we traverse the requirement that a specific antibody binding the 20-44 epitope be identified. Since the prior art does not teach a antibody which is known to specifically bind that epitope, or teach the desirability of screening for such an antibody, there is no need to require the further election of a particular antibody binding that epitope.

5. Group I claims 1, 3, 4, 6, 7, 10-13, 18-19, 22, 24, 27 and 29 are generic to or otherwise read upon the elected epitope, as well as the elected antibody.

Respectfully submitted,

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